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Alana Kriegsman

/Alana G. Kriegsman/

May 1, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Patrick Renee Angibaud et al.

Serial No.: 10/506,998

Art Unit: 1624

Filed: September 08, 2004

For : NEW INHIBITORS OF HISTONE DEACETYLASE

Mail Stop: Patent Application (Response)

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

ELECTION

This is in reply to the Office Action mailed April 13, 2007. The Examiner has required restriction among 3 groups. The request is traversed on the grounds that the Examiner's assertion that the defined Groups I-III are "not so linked as to form a single general inventive concept under PCT Rule 13.1" lacks the required support. It is submitted that the burden is on the Examiner to cite appropriate prior art to clearly show that the defined Groups clearly have distinct status in the art. Failing that, a restriction requirement is not proper. It is further submitted that in view of the fees charged for filing of divisional patent applications and prosecution and maintaining the resulting patents places an undue burden on the Applicant, which requires that any restriction or election requirement be clearly supported and made according to the rules.

Nonetheless, Applicant provisionally elects Group I. For search purposes, Applicants elect the following species which reads upon the elected Group: Compound No. 6 as shown in the Table (second row, right column) in the Specification at page 15.

No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/PRD-2024USPCT/AGK.

Respectfully submitted,

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By: _____

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